

PHYSICIANS Reply

TO THE Surgeons Answer.

THEY tell us, *That in the Reign of H. VII. the Surgeons of London Examined such as were admitted to Practise Surgery, and chose a Dr. of Physick an Examiner with them, who was present at such Examination; a good argument that Surgeons should not License Surgeons even in cases of Surgery, without the assistance of a Dr. in Physick; but no argument that Surgeons, should Examine or License their own Members to give internal Medicines either in Medical or Chirurgical Cases, or that Physicians should be excluded from Examining and Licensing such Surgeons whom they shall find fit to administer inward Remedies; which their Bill would enact. What they mean by the Directive, as well as Operative part, they would do well to explain; we understanding no more by the Directive, than to appoint external Remedies indicated in Chirurgical cases; and by the Operative, the manual Operation.*

*That Surgeons were to be called by the Stat. of 3 H. VIII. c. 11. before the Bishop of London and Dean of St. Pauls, to Examine such as the Bishop or Dean Licensed to Practise Surgery; we agree, and are still willing they should; but this is no proof that they were to Examine and License Surgeons to practise Physick. It appearing plainly by that Act, that they were not then entrusted with a power of Licensing any Person in Surgery, and not till then of punishing any for Practising without Licence: Nay, this Act is so far from favouring the Surgeons pretences, to examine their own Members to give internal Medicines, that it hath appointed 4 Doctors of Physick for that purpose. That Surgeons took into their Houses such as had the French Pox and Plague, we agree; but this doth no more prove that they had thereby a right to prescribe Internal Remedies, than that Nurses have such a right, because they take such infected Persons into their Houses; Both this Act of Parliament, and the 5 H. 8. c. 6. declaring the Surgeons practice to be external, **their cure of men being in peril, and people suddenly wounded & hurt, and therefore they are required to hang out Signs, that the King's people may know at all times whither to resort for their Remedies in time of necessity;** what is meant by these expressions, may plainly appear by a Clause in the Apothecaries Charter, bearing date 13 K. 7. 1. *Et denique volumus & intentionem nostram esse declaramus, quod Chirurgi experti & approbati eorum artem & facultatem exercere possint, omnesque & singuli eorum practica sibi propria uti & frui valeant quantum ad compositionem & applicationem medicamentorum Externorum solummodo pertinet & spectat.**

*As to the 34. 35. H. 8. c. 8. which is brought as a proof, that Surgeons might Administer inward Medicines; we are surpris'd at their confidence to mention that ACT, it being an ACT so far from granting any Privileges to them, that they are therein branded by the publick Authority of the Nation, as a Body of Men minding onely their OWN LUCRES, and not the PUBLICK GOOD, as may fully appear by the foresaid Act, part of which is as follows. **Stithence the making the Act of 3 H. 8. c. 11. the Company and fellowship of Surgeons of London, minding only their own Lucres, and nothing the profit or ease of the diseased or patient, have sued, troubled and vexed divers honest persons, as well Men as Women, and yet the said persons have not taken any thing for their pains or cunning, but have required the same to poor people only for neighbourhood and Gods sake, and of pity and charity. And it is now well known, that the Surgeons admitted will do no Cure to any person, but where they shall know to be rewarded with a greater Sum or Reward then the Cure extendeth unto. for in case they would hinder their cunning into people unrewarded, there should not so many ROT and PERISH TO DEATH for lack of Surgery, as daily do. but the greater part of Surgeons admitted, have been much more to be blamed than those persons that they trouble. for although the most part of the persons of the said Craft of Surgeons have small cunning, yet they will take GREAT SUMS OF MONEY, and do little there fore, and by reason thereof, they do often times impair and hurt their patients rather than do them good, &c.***

They tell us, that till the 11. year of H. 1. the Surgeons used Surgery in all its parts without any interruption from the College. What they mean by all its parts, they would have done well to explain.

explain: if they mean, they had liberty to Practise Physick, Surgery, and Pharmacy, 'tis a Privilege belonging only to the Physicians, as appears by 32 H. 8. c. 40. **Forasmuch as the Science of Physick doth comprehend, include and contain the knowledge of Surgery, as a special Member and Part of the same. Therefore be it Enacted, that any of the said Company or Fellowship of Physicians, being able, chosen and admitted by the said President and Fellowship of Physicians, may from time to time, as well within the City of London, as elsewhere within this Realm, practise and Exercise the said Science of Physick, in all, and every his Members and Parts.**

That Surgeons were not allowed by the College to Administer internal Medicines before K. J. I. although confidently asserted by them, is very plain. For in the 13. Q. E. a Surgeon was fined for practising Physick; and the year following, upon a hearing betwixt the College and Company of Surgeons in the Lord Mayor's Court, it was determined, that they had no right to give inward Medicines. In the 37 Q. E. the College sent a Letter to the Master, Wardens, & Assistants of the Company of Surgeons in which they acquainted them, that the College was invested with a Privilege touching the Practising of Physick, and that none whosoever were to meddle therein without their express **consent and allowance**; and that they were bound by Oath and Conscience to see the Statutes of the Kingdom observed; and finding that many of the Surgeons Company were guilty of the breach of these Laws, they were desired to make some Order against the same; if not, the College was fully minded to deal with the particular Offenders, as Order of Law and the College Statutes required: and accordingly, one Roger Jenkin a Surgeon was prosecuted for Practising Physick, and when his Case was brought before Sir John Popham Lord Chief Justice of England, he declared that no Surgeon as a Surgeon ought to Practise Physick. As for what they tell us, that they have a Charter in L. R. I. which impowers them to give internal Medicines; to this we reply, that we know of no such Charter, and if such a Charter can be produced, which grants them the fore-mentioned Privilege, it is against the Laws of the Kingdom, as well as the rights of the College, and so null and void. And so sensible were both Lords and Commons thereof in that King's Reign, that though they twice attempted to pass a Bill to enable them to administer internal Remedies, it was both times by them rejected. And whereas they would invalidate the Authority of the *Historical Account* published by the College, in denying that Secretary Coventry refused to Sign a Patent in the Reign of K. Ch. I. saying, that they have this Patent in that King's Reign: To this we answer, that they would have done well to have mentioned its Date, as the College hath done all along in their History; for as it is true, that the Secretary did refuse Signing the Patent mention'd in the History *An. R. 2. Car. I.* (an account of which is enter'd in the College Register;) yet notwithstanding what the College hath published, the Surgeons might many years after procure such a Patent unknown to them, for which reason it could not be enter'd into their Register, nor is of any more use to them, than that of K. J. I. In this Patent they tell us, that all Persons using Surgery in London, &c. were to be Examined by 4 Examiners of the Company; which plainly proves they had no other Power than but only to examine in Cases of Surgery.

They own, that by the 32 H. 8. Physicians were impowered to use Surgery, but not to Examine Surgeons; a plain argument, that if Physicians were impowered to use Surgery, it was presumed they understood it, and were able to Examine Surgeons; but that not being their Profession in which they were Educated, they were contented with the Examination only of such as were fit to give internal Physick; though by this Act they were not hindred from Examining Surgeons as they would insinuate.

That the Surgeons are obliged to the College, for giving liberty to any of their Members to teach them **Anatomy**; is plain from the following Statute of the said College: *Volumus ut integrum sit cuilibet Collegæ publicæ Anatomiam exercere in Aula Chirurgorum, dummodo Communis Chirurgorum Magister, & Domini Guardiani veniam illi prius impetraverint a Præside, aut Pro-præside, quippe sequamur & rationi consentaneum arbitramur, ut qui per Collegam aliquem proficiunt, ij Collegio ipsi aliquod grati animi officium præstent.* As to what they would insinuate about Dr. Harvey's leaving a considerable Sum of Money to maintain Lectures in the College, it is not so, he having not left any thing upon that account.

Whereas they have the Confidence, to say, That Physicians were not made a Corporation 18 years before them; 'tis plain by the 32 H. 8. c. 42. (quoted by themselves) that they really were so. For the Physicians were made a Corporation, the 10 H. 8. and the Surgeons, not till the 32 H. 8. (though the Barber Surgeons were) as appears from the following words of the said Statute: **The Company called the Surgeons being not Incorporate, nor having any manner of Corporation, &c.**

That the Surgeons did meet with such disappointments in the Reign of K. J. I. as the College hath published, is notorious, from the Surgeon's Bills twice thrown out of Parliament, to which they give no answer; and a very bad one to that Order mention'd by the College, which they have the Confidence to say was about 3 years concealed, and after discontinued; when as this Order was Signed by no less then 12 of the Members of the Privy Council; and before their Lordships passing of it, the Master and Wardens of the Company of Surgeons were heard by their Lordships, as to what they could offer against the said Order; And as for what they mention about the late Lord Chancellor, his Lordships answer to them was; *Gentlemen! Would ye be Dragons in your Professione Keep to your Knives and Lancets and the Physicians will not interrupt you.* And as for that Clause, which they have the confidence to call **Arbitrary**; it was not left out by the College in their Bill as such, or

or upon the Surgeons account; This Clause being just and reasonable; For the Censors of the College being enabled by the Laws of the Kingdom, as well as Sworn to punish all Practisers of Physick (their own Members as well as others) for dangerous Miscarriages in prescribing improper and hurtful Medicines to the King's Subjects, they thought it unreasonable that any Fine should be inflicted, or any Person punished without Oath duly made before them by Credible Witnesses. And this is the Truth of that *Arbitrary Clause* which is so ungrateful to them.

The Surgeons Answers to the Colleges Objections are much like their History; for they tell us, *that 'tis a meer Cavil, that under colour of Cases of Surgery it is intended to bring in all Cases; and so indeed it is, if nothing else were expressed in their Bill; but when in their Preamble they tell us, that they take the sole care of all the Sick in the Army and Fleet; and in one of their Enacting Clauses, That no Member of the College shall be restrained from consulting with them in ANY CASE WHATSOEVER;* 'tis plain, that they mean more than Chirurgical Cases: and what they mean by them, they have not yet (either by their Bill or Papers) declared; we know that Pestilential Fevers Small Pox and most contagious Diseases may be so accounted by them.

Whereas they pretend that Physicians object *that Surgeons ought not to License Surgeons;* to this we answer, there is no such Objection made by the Physicians, nor ever was. **But** that which the College contends for, is, That the Surgeons would keep within the bounds of their own Profession, and not try practice upon their Majesties Subjects within the limits of their Corporation; And that their Majesties Army, Fleet, and Merchant Ships might be well supplied with such Physicians or Surgeons, who are duly qualified to give Internal Medicines to Sick and Wounded Men; of which **Qualifications** (we say) the Law of the Land (for above 170 years) hath made 4 Physicians of the College (yearly Chosen and solemnly Sworn) the proper Judges. And had care been taken by the Surgeons Company, that none should have been recommended to Army, or Fleet, but such as the Censors (or Examiners) of the College had approved, there would not have been such just grounds for the following Complaints, *viz.* That in the late Expedition to *Ireland*, when the Lords of the Committee for *Irish* Affairs gave Order to the Master and Wardens of Surgeons Hall, to provide 40 able Surgeon's Mates for the Service of the two Hospitals there; they provided 40, and gave them Certificates of their Ability and fitness for that Employment; upon which, each of them had two Months advance at least. Of these 40, 25 ran away before they came to Sea; of the 15 remaining, 8 were found altogether unfit, and therefore were immediately turned away at *Belfast*; and of the 7 remaining, several were turn'd off by Dr. Hutton the King's Principal Physician, &c. as being insufficient and ignorant. And in the year 1689. there were above 5000 Sick and Wounded Men put on Shore at *Portsmouth*, (under the Surgeons care) of which, not above 500 returned to the Fleet. And the Truth is, the College of Physicians is so far from expressing any unwillingness to serve the Publick, that they now are and ever were ready to serve in the Royal Fleet and Army, when ever commanded; and as a Testimony thereof, the College hath published the Names of several Physicians who served the King and Parliament (in the Armies) in the late unhappy Civil War; and of no less than four, *viz.* Dr. *Lawrence*, Dr. *Smith*, Dr. *Dun*, and Dr. *Commins*, (besides Physicians to the King's Person) who served the Army in *Ireland* the last Summer with that success, that of 6000 Souldiers who were sick, and under their cure, not above 130 dyed; though the Surgeons have the Confidence in their Answer to affirm, *That there was but one Physician in the Establishment of the whole Army.* And the Truth is, the College is so sensible of the abuses which the Army Fleet and Merchant Men have long suffered from the Surgeons sending their raw Apprentices, Apothecaries Boyes, Tradesmen, (as a Cheese-Monger Chief Mate of a Ship of 800 Men; a Watch-Maker Surgeon of an Hospital Ship, &c. the **Master Surgeons** rarely or never serving in either Fleet or Army) that they are not only willing to provide able Physicians for Sea and Land, but do desire, that neither Physician or Surgeon for the future might be allowed to serve by Sea or Land in the Case of Sick and Diseased Souldiers or Sea-Men, but such as shall be examined and approved by the College Censors, (or Examiners) whereby both Army Fleet and Merchant Men will be constantly furnish'd with able Physicians or Surgeons. And that there might be a Seminary of such for the future, the Physicians do desire, that the Hospitals may be free and open to the observation and inspection of younger Students in Physick and Surgery without fee or reward; whereby there might be a constant supply of Physicians and Surgeons fit for Service by Sea and Land, and the necessity of young ones Travelling beyond Sea for that purpose might hereby be prevented; and Students of our own and foreign Universities encouraged to spend their time at our own Hospitals: We could therefore wish, that the Surgeons would joyn with the College in a Bill of this Nature, and not prosecute One, which seems to aim at little else, but private Lucre and Gain, *viz.* The raising of their Rates in taking Apprentices, (which are already advanced to 150 or 200 **Guineas** amongst some of the chief Solicitors of this Bill), and making Free and Licensing the whole Herd of ignorant and illiterate *Empiricks* and unlicensed Persons about the Town.

We wonder with what confidence they can publish to the World, *that their Bill would not prejudice the Universities;* for what Gentleman would be at the charge to maintain his Son 12 or 14 years at the Universities, and be at the expence of taking two or three degrees, when for serving seven years Apprentiship with a Surgeon he may have liberty to Monopolize Physick Surgery and Pharmacy? And though they would complement the Universities by confidently asserting, *that this practice*

is only desired in Cases of Surgery, yet in their *Bill* they tell us (as before mention'd) that they have the sole care of the Sick in the Army and Fleet, which certainly cannot be interpreted *only* in Cases of Surgery: And in another part of the said Bill, they would have it Enacted, that no Member of the College shall be hindered to consult with them in any CASE WHATSOEVER. We are likewise sensible how they would prejudice the Universities against the College by publishing such untruths: As that the College admitted more than 40 foreign Doctors and gave them place before the Doctors of either of our Universities, which we cannot take well from them; because 'tis well known, that by the Statutes of our College we never did or can admit any, but Members of our own Universities into the Fellowship of the College, neither is there any instance to be given of that nature, but when the College was under the same arbitrary force and power which most Corporations in England were: And as soon as they were restored to their antient freedom, they determined all places, as they were bound by their Statutes, preferring their own Universities before foreign. This story therefore we can call no less than a malicious Calumny.

They complain of us, that we give general Licences to practise Physick to Persons who never were of any University, if they will pay Fees, Gratuities, and Quarterage Money to the great discouragement of the Universities. What they mean by Gratuities, we do not understand, having not been used to take rewards of that nature; but do suppose that they who have falsely charged the College upon this account, are best acquainted with them; some of that Company having raised great Estates by Gratuities, (as they term it) we have reason to believe, For the Fees which Licentiates do pay they are both just and reasonable, not being 7 l. for a Licence within London and seven Miles, and not 5 l. for Letters Testimonial (Of the Abilities of Persons Examined) in other parts of England; though 'tis true, since the College has been at great charges in purchasing ground and building a fair and noble Structure and Library for the use of their Members, which have involved them in great debts, they have for the discharge of the same desired such who are admitted into their Society, (and able,) to Subscribe 20 l. towards the same; yet notwithstanding they have been so charitable to Learned and Skilful Physicians (who could not pay their Fees,) that they have admitted them freely; And likewise passed a publick Order, to appropriate all Corporation Fees belonging to any of the Members of the said College for 7 years to the payment of their Debts: (which Order they have most generously observed for 6 Years last past:) And also another Order, to give their advice freely to Servants and all such who are esteemed Objects of Charity, in London and the Suburbs thereof: Which being communicated by them to the Lord Mayor of London, An. 1687. His Lordship was pleased to Communicate the same to his Brethren the Aldermen of London, and they to their several Wards, that the Poor thereby might receive the Benefit of this Order. And as to their complaint of the general Licences we give to all Persons who were never of any University to practise Physick; we say, that it is true, we do give Licences to all Persons who apply themselves to us (Surgeons as well as others) who upon Examination are found fit to serve the King & State, though it be but in *Nonnullis curationibus*, and this we are obliged to do by the Law of the Land, the Statutes of the College, and the Solemn Oath we take when chosen Censors (or Examiners) of the same in which Oath we swear, *That we will not consent to admit any into the College, but such, whom without any Favour or Affection, we shall judge to be sufficiently qualified both for Learning and Morals; nor will we approve of any Person or Medicine for Reward, Intreaty, or Favour.* We are therefore obliged to the Surgeons for their Charity in this malicious Accusation, whereby they charge us (against our Solemn Oaths) with giving general Licences for Reward; a Vice so abominable to that Learned Society! that perhaps no Society of Physicians in Europe are so highly Renowned and Celebrated for their Learning and Vertue, as the present **College of Physicians**.

They conclude their Answer with the following Story, That whereas the Physicians do say, that they never denied any Surgeon a Licence to practise Physick, who gave any Testimony of his fitness; the contrary is so manifest, that they refused to License Mr. Coatsworth till he had procured to be discharged the Surgeons Company. As to this Story of Mr. Coatsworth, the Truth of it is this, Mr. Coatsworth having a desire to be admitted a Member of the College and to be Licensed by them; he understood upon enquiry, that He must pass a due Examination of the College, and discharge himself from the Jurisdiction and Government of the Surgeons Company, if He desired to be admitted a Member thereof, the Reason of which Statute is expressed in the following words, *Neque enim equum aut commodum censuimus quinquam in Societatem nostram admittere, qui fidem alteri addictam habet*; Upon this account Mr. Coatsworth applied himself to the Surgeons for his discharge (without ever making any application to the College, either for Examination, Admission, or Licence; so far was the College from denying a Licence to him) which discharge the Surgeons refused without paying 30 l. to their Company; and other Fees and Gratuities to Officers, &c. for his speedy discharge: After he had done this, he applied himself to the said College, was Examined, Admitted, and Licensed without any Difficulty or Controversy with the same; now how far this Instance answers their purpose, we leave the world to judge. They might (if they had pleased) have taken notice, that the Famous *Moulins, Fenton, and Aubert*, &c. (principal Surgeon at Court in K. Ch. I. Reign) were Examined and Licensed by the College. And that Mr. Thomas Hobbs (their present great Solicitor against the College) was Examined in English, and Licensed by the College, who at his Admission into that Society gave his Solemn Faith, and Recorded it under his hand, *That he would never act any thing by word or deed which might tend to the Prejudice or Diminution of the Rights and Priviledges of the College of Physicians, but would do all things (both by his Advice and Assistance) which might tend to its Honour, Advancement, and Perpetuity.* But how well he hath discharged his Faith thus Solemnly given, and how grateful he hath been to that Society, which hath advanced his Practice and Estate, we